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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,351	05/10/2001	Milivoj Vujic	P24,748 USA	5172

7590 01/03/2008  
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EXAMINER
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HOOK, JAMES F

ART UNIT	PAPER NUMBER
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3754

MAIL DATE	DELIVERY MODE
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01/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/744,351

Applicant(s)

VUJIC ET AL.

Examiner

James F. Hook

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,19-23 and 25-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,19-23 and 25-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The amendment filed December 10, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the added language to claim 1 of there being no intervening insulation layer mounted on the outer wall between the outer wall and the panel does not appear to be set forth in this manner, and it is not clear whether such is new matter when it cannot be ascertained that this was a feature of the originally filed apparatus.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2, 19-23, and 25-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not clear that the language of the specification supports the language added to claim 1 as set forth in the

objection above, where it's not clear that the specification originally filed suggests that there is "no" intervening insulation layer.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 21, 23, 25, 27, 28, 32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen (AU-13469/95). The reference to Madsen as seen in figure 7 discloses the recited insulation module where the use of such with a process vessel is considered merely intended use, where the insulation system of Madsen is capable of use with other known uses for insulation systems, comprising an externally mounted pre-fabricated panel having integrally formed therein an outer surface 4, a thermal insulation layer 15 opposing a portion of the outer wall 1 to which it is directly attached, mounting means 2 extending from the panel to the outer wall at a distance therefrom to define an air gap between the panel and the outer wall when the insulation module is mounted relative thereto, the panel is mounted to the outer wall by the mounting means which includes a plurality of brackets secured to the outer surface layer via screw 11 which extends through the outer surface layer and is connected via

screw 9 to the wall, where arm 5 acts as a speed clip, each bracket includes a mounting leg 6 that supports the panel where the screws are threaded rod stubs, where the method of attaching the system is also set forth, and the method of use where such is capable of connection to a vessel when such is considered an existing structure for which the system of Madsen is designed, where the screw 11 adheres the outer surface layer to the panel. The reference to Madsen discloses all of the recited structure with the exception of there being no intervening insulation layer mounted on the outer wall between the outer wall and the panel, however, it is shown in other embodiments such as figure 8, that embodiments are contemplated by Madsen which would not directly put the insulation layer in a mounted position on the outer wall, therefore, it would have been obvious to one skilled in the art to combine the various embodiments as such is an obvious modification where Madsen contemplates having the insulation layer in various positions and would only require routine skill in the art to use the further teachings of other embodiments and combine them using common sense, where the location of the insulation is an obvious choice of mechanical expedients.

Claims 2, 19, 20, 29-31, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen (AU-13469/95) in view of Shahan. The reference to Madsen discloses all of the recited structure with the exception of using a fibrous insulation such as fiberglass and providing a mesh layer. The patent to Shahan discloses that it is old and well known in insulation systems to utilize different types of insulation including a fiberglass fibrous insulation material which is supported by a mesh layer 14 in a spaced

manner by a plurality of mounting means such as members 22 and brackets 15, where the insulation can be adhered to the outer layer 12 of the system by the mesh bracket system. It would have been obvious to one skilled in the art to modify the insulation used in Madsen by substituting any known insulation material used in air gap insulation systems including a fibrous insulation such as fiberglass as suggested by Shahan which teaches that it is old and well known in the art to use fibrous insulation in spaced air gap insulating systems as such is an equivalent material that may be used, and one skilled in the art would only require common sense to make the substitution to an equivalent material which would be expected to function the same as another insulation material, and to provide a mesh layer to help support the insulation material to define the air gap in combination with the mounting means which would insure the air gap is properly provided thereby insuring the proper functioning of the air gap as would only require routine common sense to provide such a structure to an equivalent type of insulation system having an air gap.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen (AU-13469/95) in view of Glasoe. The reference to Madsen discloses all of the recited structure with the exception of providing brackets on the vessel to attach the insulation panels to. The patent to Glasoe discloses that it is old and well known to provide a vessel with a plurality of brackets 22 to attach insulation panels thereto. It would have been obvious to one skilled in the art to provide the insulation system of Madsen with a plurality of brackets provided on the vessel to attach the insulation panels to as suggested by Glasoe where such would better protect the vessel from damage as the

panels are being installed thereby saving repair costs, where such would only require common sense to provide an equivalent structure known for use in the same type of system, and such would therefore be expected to result in a functioning system.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen (AU-13469/95) in view of Rutter. The reference to Madsen (AU-13469/95) discloses all of the recited structure with the exception of providing a fast connector to hold the insulation panel in place. The patent to Rutter discloses that it is old and well known in the art to use a fast connector such as shown in figure 1a to hold insulation in place where such is equivalent to a bolted structure. It would have been obvious to one skilled in the art to modify the connectors in Madsen (AU-13469/95) by substituting a fast connector for the threaded bolt connector to allow for faster installation of the insulation, as suggested by Rutter where such be expected to function the same as an alternate connection method, and where one skilled in the art would look to Rutter for an alternative connection which was faster to utilize for faster installation times to reduce costs for labor.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen (AU 13469/95) in view of Shahan as applied to claims 2, 19, 20, 29-31, 33, and 35 above, and further in view of Matthews. The patent to Madsen as modified discloses all of the recited structure with the exception of providing an acrylic emulsion in the insulation. The patent to Matthews discloses that it is old and well known to provide insulations with an acrylic emulsion to protect the insulation. It would have been obvious to one skilled in the art to modify the insulation in Madsen as modified to be an

insulation provided with an acrylic emulsion as suggested by Matthews where such would prevent premature failure of the insulation and save replacement costs.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 19-23, and 25-36 have been considered but are moot in view of the new ground(s) of rejection. The arguments are directed to the added language which required the change in rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Conley and Ueno disclosing state of the art insulation systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

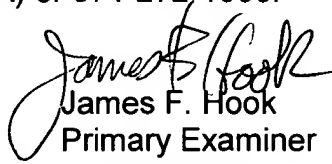
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
James F. Hook  
Primary Examiner  
Art Unit 3754

JFH